

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Quinn *et al.*

Appl. No. *To be assigned*

Filed: *Herewith*

For: **Methods and Compounds for the
Treatment of Mucus Hypersecretion**

Art Unit: *To be assigned*

Examiner: *To be assigned*

Atty. Docket: 1581.0770001/RWE/BEC

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 09/763,669, filed May 29, 2001, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not

be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Attorney for Applicants
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Date: August 5, 2003

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FORM PTO-1449 <u>INFORMATION DISCLOSURE STATEMENT</u>	ATTY. DOCKET NO. 1581.0770001/RWE/BEC	APPLICATION NO. To be assigned
	APPLICANT To be assigned	
	FILING DATE Herewith	GROUP To be assigned

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	4,873,346	10/10/1989	Anderson	548	157	09/20/1985
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 95/17904	07/06/1995	WIPO			Yes No
	AM1	EP 0 673 938 A2	09/27/1995	Europe			Yes No
	AN1	WO 95/28171	10/26/1995	WIPO			Yes No
	AO1	WO 95/33850	12/14/1995	WIPO			Yes No
	AP1	WO 96/33273	10/24/1996	WIPO			Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>1</u>	Fisher, C.E., et al., "Genetic construction and properties of a diphtheria toxin-related substance P fusion protein: <i>In vitro</i> destruction of cells bearing substance P receptors," <i>Proc. Natl. Acad. Sci. USA</i> 93:7341-7345, National Academy of Sciences USA (1996)
	AS	<u>1</u>	Hambleton, P., "Clostridium botulinum toxins: a general review of involvement in disease, structure, mode of action and preparation for clinical use," <i>J. Neurol.</i> 239:16-20, Springer-Verlag (1992)
	AT	<u>1</u>	Kurazono, H., et al., "Minimal Essential Domains Specifying Toxicity of the Light Chains of Tetanus Toxin and Botulinum Neurotoxin Type A," <i>J. Biol. Chem.</i> 267:14721-14729, American Society for Biochemistry and Molecular Biology, Inc. (1992)

EXAMINER

DATE CONSIDERED

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EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL2	WO 97/13410	04/17/1997	WIPO			Yes No
	AM2	WO 98/07684	02/26/1998	WIPO			Yes No
	AN2	WO 98/07864	02/26/1998	WIPO			Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>2</u>	Nishiki, T., et al., "Identification of Protein Receptor for <i>Clostridium botulinum</i> Type B Neurotoxin in Rat Brain Synaptosomes," <i>J. Biol. Chem.</i> 269:10498-10503, American Society for Biochemistry and Molecular Biology, Inc. (1994)
	AS	<u>2</u>	Nishiki, T., et al., "The high-affinity binding of <i>Clostridium botulinum</i> type B neurotoxin to synaptotagmin II associated with gangliosides G _{T1b} /G _{D1a} ," <i>FEBS Lett.</i> 378:253-257, Federation of European Biochemical Societies (1996)
	AT	<u>2</u>	Poulain, B., et al., "Inhibition of transmitter release by botulinum neurotoxin A. Contributions of various fragments to the intoxication process," <i>Eur. J. Biochem.</i> 185:197-203, Federation of European Biochemical Societies (1989)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	Zhou, L., et al., "Expression and purification of the Light Chain of Botulinum Neurotoxin A: A Single Mutation Abolishes Its Cleavage of SNAP-25 and Neurotoxicity after Reconstitution with the Heavy Chain," <i>Biochemistry</i> 34:15175-15181, American Chemical Society (1995)
	AS	<u>3</u>	International Search Report for PCT/GB99/02806, mailed March 16, 2000
	AT		

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